

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

JATIEK SMITH et al.,

Defendants.

22-cr-352 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.:

On October 25, 2023, the Government moved to provide *pro se* defendant Jatiek Smith with disclosure of materials pursuant to 18 U.S.C. § 3500 and *Giglio v. United States*, 405 U.S. 150 (1972) ("*Giglio Materials*") on a potentially delayed schedule. Specifically, the Government requested to provide such materials relating to cooperating and lay witnesses two weeks before trial, on November 13, 2023, rather than the four weeks specified in the Court's individual rules.<sup>1</sup> The Government's request was based on concerns of witness intimidation, and accordingly, the Government agreed to provide *Giglio Materials* for law enforcement witnesses, experts, or analysts on October 30, 2023, and to provide § 3500 witness statements for non-testifying witnesses on November 6, 2023.

Today, defendant submitted his response to the Government's motion.<sup>2</sup> In his submission, defendant "agree[d] to the schedule

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<sup>1</sup> By Order dated October 25, 2023, the Court temporarily stayed the Government's obligation to produce these materials while briefing on the Government's motion was pending. See Dkt. 295.

<sup>2</sup> To expedite matters, standby counsel for defendant, Russel Capone, prepared a letter setting forth defendant's positions based

[proposed by the Government], with the exception that he respectfully requests § 3500 material for cooperating witnesses on November 6, 2023 rather than November 13, 2023." This request is acceptable to the Court, as providing these materials a single week earlier will not materially increase the risk of witness intimidation but could benefit defendant in his preparations for trial.

Accordingly, the Government is hereby ordered to provide § 3500 material relating to cooperating witnesses to defendant by November 6, 2023, but to otherwise proceed according to the schedule set forth in the Government's motion.

SO ORDERED.

New York, NY  
October 31, 2023



JED S. RAKOFF, U.S.D.J.

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upon Mr. Capone's interview with defendant. This practice is acceptable to the Court.